FILED
JAN 7 1994
OFFICE OF THE CLERK

No. 93-918

IN THE

Supreme Court of the United States

OCTOBER TERM, 1993

THE DEMOCRATIC CENTRAL COMMITTEE OF THE DISTRICT OF COLUMBIA, *et al.*, THE BLACK UNITED FRONT, *and* THE WASHINGTON AREA CONSTRUCTION INDUSTRY TASK FORCE,

Petitioners,

v.

THE WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION, D.C. TRANSIT SYSTEM, INC., LEONARD N. BEBCHICK, HAROLD GORDON, COOTER & GELL, WEIL, GOTSHAL & MANGES, CADWALADER, WICKERSHAM & TAFT, SECURITY TRUST COMPANY, N.A., *and* THE GOVERNMENT OF THE DISTRICT OF COLUMBIA,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The District Of Columbia Circuit

SUPPLEMENTAL BRIEF FOR THE PETITIONERS

LANDON GERALD DOWDEY
Counsel to the Democratic Central Committee of the District of Columbia, *et al*
2000 L Street, N.W.
Suite 200
Washington, D.C. 20036
(202) 416-1626

GILBERT HAHN, JR.*
Counsel to the Black United Front, *et al*
815 Connecticut Avenue, N.W.
Suite 601
Washington, D.C. 20006
(202) 833-3344

**Counsel of Record*

PRESS OF BYRON S. ADAMS, WASHINGTON, D.C. (202) 347-8203

BEST AVAILABLE COPY

TABLE OF CONTENTS

	Page
DISCUSSION	1
CONCLUSION	2

IN THE

Supreme Court of the United States

OCTOBER TERM, 1993

No. 93-918

THE DEMOCRATIC CENTRAL COMMITTEE OF THE DISTRICT OF COLUMBIA, *et al.*, THE BLACK UNITED FRONT, *and* THE WASHINGTON AREA CONSTRUCTION INDUSTRY TASK FORCE,

Petitioners,

v

THE WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION, D.C. TRANSIT SYSTEM, INC., LEONARD N. BEBCHICK, HAROLD GORDON, COOTER & GELL, WEIL, GOTSHAL & MANGES, CADWALADER, WICKERSHAM & TAFT, SECURITY TRUST COMPANY, N.A., *and* THE GOVERNMENT OF THE DISTRICT OF COLUMBIA,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The District Of Columbia Circuit

---

SUPPLEMENTAL BRIEF FOR THE PETITIONERS

On December 28, 1993 the Court below issued another order granting additional fees to Leonard Bebchick in the amount of $73,650 and promising further consideration of additional fees to him and to Cooter

& Gell, and to Hazel & Thomas. (1a, appendix to this supplemental brief). As shown by the certificates of service to the applications for such fees (3a and 4a) petitioners were not notified of such applications.

Petitioners learned of such applications from a copy of the response thereto filed by the Corporation Counsel for the District of Columbia dated December 22, 1993 and received by petitioners' counsel December 27, 1993, the day before this latest fee award to Mr. Bebchick. Petitioners filed an objection on December 30, 1993, but the lower court has yet to offer any explanation for entering this latest order directing payment of substantial fees to counsel selected by the court without prior notice to petitioners; nor has any reason yet been advanced for the entry of two earlier orders for fee awards now exceeding $359,000 to lawyers of the court's choosing without notice to the parties or their counsel. See petition, pp. 9-10, 13.

Also, the lower court has yet to offer any rationale for its fee awards to non-successful court appointed litigants in this common fund case. Nor has the lower court offered any rationale for disregarding the prohibition, contained in the settlement agreement of the parties, against such additional attorneys' fees.

Finally, the lower court has yet to pass on these petitioners' request for rehearing on the September 21, 1993 opinion and order reducing petitioners' counsel fees for creating this multimillion dollar settlement fund.

CONCLUSION

In these circumstances, it is suggested that this Court should grant the writ of certiorari and remand

the case with directions to the lower court to state its reasons for issuing what appear to be *ex parte* orders on July 9, 1992, May 13, 1993 and December 28, 1993; for awarding attorneys' fees to counsel of its choosing by orders dated May 13, 1993, June 28, 1993 and December 28, 1993; and further directing the lower court to act on petitioners' pending request for rehearing on the opinion and order of September 21, 1993.

Such a remand would facilitate review of what seems, on its face, systematic violations of Fifth Amendment Rights and departures from the accepted and usual course of judicial proceedings calling for an exercise of this Court's power of supervision under Rule 10.1(a).

Respectfully submitted,

LANDON GERALD DOWDEY
Counsel to the Democratic Central Committee of the District of Columbia, *et al*
2000 L Street, N.W.
Suite 200
Washington, D.C. 20036
(202) 416-1626

GILBERT HAHN, JR.*
Counsel to the Black United Front, *et al*
815 Connecticut Avenue, N.W.
Suite 601
Washington, D.C. 20006
(202) 833-3344

Counsel of Record

APPENDIX

APPENDIX OF EXCERPTS FROM THE RECORD

	Appx.
Order from U.S. Court of Appeals paying Bebchick $73,650.00 and paying Cooter Law Firm, and Hazel & Thomas (12/28/93)	1a
Certificate of Service from Mr. Bebchick (12/15/93)	3a
Certificate of Service from Mr. Bebchick (12/27/93)	4a

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
September Term, 1992

No. 21865

Democratic Central Committee of the District of Columbia, *et al.*,

Petitioners,

v.

The Washington Metropolitan Area Transit Commission,

Respondent,

D.C. Transit System, Inc.,

Intervenor

and Consolidated Cases Nos. 24398., 24415 and 24428

United States Court of Appeals For the District of Columbia Circuit

Filed December 28, 1993

Ron Garvin
Clerk

Before: Buckley and Randolph, Circuit Judges, and MacKinnon, Senior Circuit Judge

Upon consideration of the request, motion and itemized statements of the Security Trust Company, N.A., ("Trust Company"), the Response by the District of Columbia and the Reply to the Response of the District of Columbia by the Trust Company, it is hereby

ORDERED, by the Court, that the Trust Company pay to Leonard N. Bebchick for services rendered from June

14 to December 14, 1993, the sum of $73,650.00 and to Bernard Locraft $4,244.25 for legal services rendered from July to November 1993. Further consideration will be given to the Response of the District of Columbia to the fees for Mr. Bebchick, Cooter Law Firm, and Hazel & Thomas and any adjustments applied to future fees. Memorandum will follow.

Per Curiam
For the Court:

By: Cheri Carter
Deputy
Clerk

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Request For Payment of Fees and Expenses was served *personally* this 15th day of December 1993 by delivering a copy to the offices of:

Gerard Stief
Office of General Counsel
WMATA, Room 2D
600 5th Street, NW
Washington, DC 20001

Lutz A. Prager
Office Corporaton Counsel
One Judiciary Square
401 Fourth Street, N.W.
6th floor South
Washington, DC 20001

William Morrow
General Counsel
WMATC, Suite 703
1828 L Street, NW
Washington, DC 20036

_____

Leonard N. Bebchick

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Request For Payment of Fees and Expenses was served *personally* this 27th day of December 1993 by delivering a copy to the offices of:

Lutz A. Prager
Office Corporaton Counsel
One Judiciary Square
401 Fourth Street, N.W.
6th floor South
Washington, DC 20001

and by mailing a copy, first class postage prepaid, to:

Gerard Stief
Office of General Counsel
WMATA, Room 2D
600 5th Street, NW
Washington, DC 20001

William Morrow
General Counsel
WMATC, Suite 703
1828 L Street, NW
Washington, DC 20036

Leonard N. Bebchick